

**Tisbury Planning Board**

**RULES AND REGULATIONS**

**GOVERNING THE SUBDIVISION OF LAND**

Town of Tisbury, Massachusetts

Revised September 6, 1989

**RULES AND REGULATIONS**

**GOVERNING THE SUBDIVISION OF LAND**

IN

THE TOWN OF TISBURY

REVISION 25 MARCH 1987

THE RULES AND REGULATION GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF TISBURY ARE REVISED TO INCLUDE THE FOLLOWING:

01. "ALL REFERENCES TO FEES ARE VOIDED AND IN PLACE THEREOF THE NOTATION 'SEE THE PLANNING BOARD FEE SCHEDULE' IS INSERTED".

02. "NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE 'RULES AND REGULATIONS', THE MINIMUM WIDTH FOR ROAD PAVING REQUIREMENTS SHALL BE EIGHTEEN (18) FEET AND ALL PAVED WAYS SHALL HAVE BERMS OR CURBS".

03. "ALL SUBDIVISION WAY SYSTEMS SHALL CONNECT TO A TOWN, COUNTY OR STATE OWNED PUBLIC WAY BY WAYS THAT ARE WONED AND A PART OF THE SUBDIVISION, EXCEPT THAT SUBDICISION WAYS MAY TERMINATE AT THE BOUNDARY WITH ANOTHER TOWN IF SAID OTHER TOWN'S PLANNING BOARD CERTIFIES IN WRITING SUCH ARRANGEMENT IS ACCEPTABLE TO THEM AND PROVIDED THAT THE WAY DOES NOT RE-ENTER TISBURY BEFORE JOINING A PUBLIC WAY OWNED BY TISBURY, THE COUNTY OF DUKES COUNTY OR THE COMMONWEALTH OF MASSACHUSETTS".

"IF A SUBDIVISION WAY SYSTEM PROVIDED FRONTAGE AND/OR ACCESS TO LOTS OR PROPERTY NOT A PART OF THE SUBDIVISION, DETERMINATION OF THE POTENTIAL TOTAL LOAD ON THE WAY SYSTEM WILL INCLUDE THESE NON-SUBDIVISION LOTS. IF THE WAY SYSTEM PROVIDES "FRONTAGE", AS THE TERM "FRONTAGE" IS USED IN ZONING, SERVES OR WILL SERVE AS THE PRINCIPAL ACCESS TO THESE NON-SUBDIVISION LOTS, THEN THESE PROPERTIES SHALL E INCLUDED IN THE SUBDIVISION HOMEOWNERS ASSOCIATION WITH REGARD TO AN EQUAL BUT UNDIVIDED INTEREST IN THE WAYS".

04. "IF ANYPART OF A WAY LIES IN ANOTHER TOWN IT SHALL NOT BE DEEMED ADEQUATE AND PROPER FOR PURPOSED OF QUALIFYING'FRONTAGE' UNLESS THE WAY MEETS OR EXCEEDS TISBURY'S REQUIREMENTS FOR WAYS (INCLUDING, BUT NOT LIMITED TO , WIDTHS, GRADES, CUTS & FILLS, SLOPES, PAVING, ETC.)"

05. "IF ANY SUBDIVISION BOUNDARY LINE, WHETHER LOT, PERMETER, OPEN SPACE OR WAY IS OR IS CLAIMED TO BE COINCIDENT WITH A TOWN BOUNDARY OR MEASURED FROM A TOWN BOUNDARY, THEN THE PROPOSAL APPLICATION PLANS MUST INCLUDE A SURVEY LINE BROUGHT IN FROM AN OFFICIAL PERMANENT TOWN BOUND."

06. "ALL SUBDIVISION WAYS, INCLUDING THE WAYS CONNECTING THE SUBDIVISION TO A PUBLIC WAY, SHALL BE OF A PLAN ('ROAD RESERVATION') WIDTH OF NOT LESS THAN FORTY (40) FEET, PAVED AND PROVIDED WITH DRAINAGE FACILITIES, UNLESS THE BY-LAWS OR RULES & REGULATIONS OF TISBURY PROVIDE OTHERWISE".

07. "EASEMENTS NOT TO BE OVERBURDENED:

AN EASEMENT ('RIGHT-OF-WAY', 'RIGHT-OF-USE', ETC.) PROVISION IS TAKEN IN THE CONTEXT OF THE PROPERTY ARRANGEMENTS EXISTING AT THE TIME OF GRANT. GRANTS OF THIS NATURE ARE NOT, FOR SUBDIVISION PURPOSES, EXTENSIBLE TO NEWLY CREATED LOTS OR WAYS BY THE GRANTEE MAKING DIVISIONS OF THE SAME. WHILE THE GRANT TO THE PROPERTY AND ITS OWNER MAY RUN WITH THE PROPERTY, IT IS NOT RECOGNIZED AS BEING DIVISIBLE SO AS TO CREATE ADDITIONAL GRANTS FROM ONE; TO DO SO WOULD BE TO MULTIPLY THE ORIGINAL BURDEN PLACED ON THE PROPERTY – AN OVERBURDENING."

08. "HOMEOWNERS ASSOCIATION:

WHENEVER A SUBDIVISION PROPOSAL CREATES WAYS, OPEN SPACE LOTS OR COMMON LANDS/FACILITIES/UTILITIES, THE APPLICATION SHALL INCLUDE A COVENANT RUNNING IN FAVOR OF THE TISBURY PLANNING BOARD WHICH:

– COMMITS THE APPLICANT TO ESTABLISHING A HOMEOWNERS ASSOCIATION, CHARTER TERMS AND RECORDING SUBJECT TO PLANNING BOARD ACCEPTANCE, PRIOR TO THE SALE OF ANY LOT OR LAND IN THE PROPOSAL;

–DESCRIBES A HOMEOWNERS ASSOCIATION AS THE TITLE HOLDERS OF ALL WAYS, OPEN SPACE LOTS OR COMMON LAND – COMMON FACILITIES – COMMON UTILITIES;

–DESCRIBES HOMEOWNERS ASSOCIATION MEMBERSHIP AS REPRESENTED BY THE LOTS DESIGNATED FOR OCCUPANCY, EACH LOT HAVING AN EQUAL BUT UNDIVIDED INTEREST IN THE ASSETS AND AN EQUAL BUT DIVIDED RESPONSIBILITY IN THE LIABILITIES.

NO SUBDIVISION APPLICATION PROPOSAL SHALL BE APPROVED WHERE THE PROPOSAL PROVIDES OR ALLOWS THE DEVELOPER/APPLICANT TO RETAIN FEES IN WAYS, OPEN SPACE LOTS, COMMON LANDS/FACILITIES/UTILITIES, EXCEPT WHEN THE DEVELOPER/APPLICANT IS THE OWNER OF A LOT DESIGNATED FOR OCCUPANCY WITHIN THE PLAN; AND, THEN ONLY AS A MEMBER OF THE HOMEOWNERS ASSOCIATION."

09. "ALL SUBDIVISION PLANS, DIVISION OF LAND PLANS, ROAD (WAY) PLANS AND THE LIKE WHICH DESIGN CREATE ROADS, WAYS, STREETS, ACCESSSES, ETC., SHALL NUMBER THE SAME ON THE PLAN WITHIN THE SAME SCHEME OF NUMBERING AS PROVIDED FOR LOTS."

10. "SCHEDULES:

EACH SUBDIVISION PLAN, ON ONE OF THE PLAN SHEETS SHALL PROVIDE A 'SCHEDULE' OF LOTS WHEREIN, IN TABULAR FORM:

- ALL LOTS ARE SHOWN BY ASSIGNED PLAN NUMBER;
- THE SIZE AND PRUPOSE OF EACH LOT IS SHOWN;
- THE LOTS ARE GROUPED BY TYPE AND AREA SUB-TTALS ARE SHOWN;
- THE TOTAL AREA OF ALL LOTS IS ENTERED AND EQUALS THE TOTAL AREA OF THE PROPERTY(S) REPRESENTED ON THE PLAN.

PLANNING BOARD: TOWN CLERK:

ADOPTED: 25 MARCH 1987 TOWN OF TISBURY

FOR THE PLANNING BOARD: OFFICE OF THE TOWN CLERK

WALTER H. RENEAR RECEIVED AND ENTERED WITH

CHAIRMAN THE RECORDS OF THE TISBURY

TOWN CLERK 27 MARCH 1987

AT 11 O'CLOCK AND 47 MINUTES A..M.  
MARION McCLURE

RULES AND REGULATIONS GOVERNING

THE SUBDIVISION OF LAND

IN THE TOWN OF TISBURY

Administrative Checklist for Developments of Regional Impact

01. Upon application before the Tisbury Planning Board, the applicant shall provide a complete duplicate set of plans, application form and all supporting documentation. Additionally, the applicant will submit a signed Administrative Checklist for Developments of Regional Impact indicating whether the application will at any point need to be submitted to the Martha's Vineyard Commission as a DRI. If, in the opinion of the Planning Board, the proposed development qualifies as a Development of Regional Impact in accordance with Chapter 831, the Board will forward the duplicate application to the Martha's Vineyard Commission along with the applicant's DRI Checklist signed by a designated member of the Board.

02. If a referral to the Martha's Vineyard Commission is made pursuant to the foregoing regulation, the Planning Board will continue its review of the application including any necessary public hearings. If the Martha's Vineyard Commission accepts the referral and commences its review of the application as a Development of Regional Impact, the Planning Board will provide the Commission with its findings, opinions and recommendations. Applicants before the Tisbury Planning Board should be advised and are by these regulations advised that the applicant will need to request an extension of time from the Planning Board to allow for final action by the Martha's Vineyard Commission before the time limits imposed by the General Laws upon the

Planning Board pass. If such an extension is not requested, the prohibition against Planning Board approval without approval by the Martha's Vineyard Commission contained in Chapter 831 of the Acts of 1977 requires that the Planning Board vote to deny the application. (Note, the applicant should request an extension of time until two weeks beyond the date of final action by the Martha's Vineyard Commission.)

Adopted November 30, 1988 Kevin F. Bagley

Alba H. Briggs, III

Edith R. Eber

Amendment to the Rules & Regulations Governing Subdivision in Tisbury

Revision 06 September 1989

Section III – Plan Procedures – Subsection 367 Plan Processing

Conversation Commission Review

Planning Board review of subdivision plans in the District of Critical Planning Concern (DCPC) area shall include a written report submitted by the Conservation Commission within thirty (30) days of notification from the Planning Board on, at a minimum, the following elements:

Erosion control plans during construction of any subdivision facilities.

All undisturbed ("natural") buffers areas.

Road runoff/stormwater runoff plans showing detention basins, leaching basins, vegetative swales, and other control techniques.

Anticipated fertilizer use on open space areas.

Highway Department Review

Planning Review of subdivision plans in the District of Planning Concern (DCPC) area shall include a written report submitted by the Highway Department thirty (30) days of notification from the Planning Board on, at a minimum, the following elements:

Road runoff/stormwater runoff plans showing detention basins, leaching basins, vegetative swales, and other control techniques.

Erosion control plans during construction of any subdivision facilities.

Planning Board: Town Clerk:

Adopted: 06 September 1989

Town of Tisbury

By The Planning Board: Office of the Town Clerk

Kenneth A. Barwick Received And Entered With

Chairman The Records Of The Tisbury

Town Clerk September 19, 1989

At 3 O'Clock And 58 Minutes PM

Marion A. McClure, Town Clerk

RMB Dept. Secretary

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